1	STATE OF IOWA	
2	BOARD OF EDUCATIONAL EXAMINERS	
3	Grimes State Office Building - 400 East 14th Street	
4	Des Moines, Iowa 50319-0147	
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6	Minutes	
7		
8	December 10, 2004	
9	Table of Company	
10 11	Table of Contents	
12		
13		
14		Page
15		
16	Motions	2
17		_
18 19	Meeting Called to Order	5
20	Licensee Discipline	5
21	Zicensee Ziseipinie	Ü
22	Consent Agenda	7
23		
24	Communication	7
25 26	Renewal – Adopt	11
20 27	Keriewai - Adopt	11
28	Teacher Intern - Notice	11
29		
30	Petitions for Waiver	12
31		
32	Discussion – Visioning for the Future	13
33 34	Adjournment	1.4

1	STATE OF IOWA
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4	Des Moines, Iowa 50319-0147
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6	Motions
7 8	December 10, 2004
9	December 10, 2001
10	
11	Anita Westerhaus moved, with a second by Jacqueline Wellborn, that the Board
12	go into closed session for the purposes of discussing whether to initiate licenses
13	disciplinary proceedings and discussing the decision to be rendered in a
14	contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).
15	MOTION CARRIED UNANIMOUSLY.
16	
17	Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in <u>case</u>
18	number 04-20, the Board accept the Respondent's waiver of hearing and
19	voluntary surrender and that the Board issue an order permanently revoking
20	the Respondent's license with no possibility of reinstatement. Roll call vote:
21	Aboud – yes; Carter – yes; Seeland – yes; Jeffrey – yes; Paulsen – yes; Wellborn
22	yes; Westerhaus – yes; Chen – yes; and Hathaway – yes. MOTION CARRIED
23	UNANIMOUSLY.
24	
25	Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in case
26	number 04-18, the Board find that the evidence gathered in the investigation,
27	including witness statements and the documentary evidence, does not
28	corroborate the allegations in the complaint, and that the Board, therefore,
29	lacks probable cause to proceed with this matter. Roll call vote: Chen - yes;
30	Westerhaus - yes; Wellborn - yes; Paulsen - yes; Jeffrey - yes; Seeland - recuse
31	Carter - yes; Aboud - yes; and Hathaway - yes. MOTION CARRIED.
32	
33	Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in case
34	number 04-23, the Board find probable cause to establish a violation of the
35	following provisions of the Code of Professional Conduct and Ethics:

- 282 IAC 25.3(1)(b), (c), (d) and (e) and order this case set for hearing. Roll call
- vote: Aboud yes; Carter yes; Seeland yes; Jeffrey yes; Paulsen yes;
- Wellborn yes; Westerhaus yes; Chen yes; and Hathaway yes. **MOTION**
- 4 CARRIED UNANIMOUSLY.

- 6 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
- 7 **number 04-12**, the Board extend the 180-day deadline for issuance of the final
- 8 decision, due to the need for additional time to complete settlement negotiations
- 9 to resolve the case without a hearing. Roll call vote: Chen yes; Westerhaus –
- 10 yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland yes; Carter yes;
- 11 Aboud yes; and Hathaway yes. **MOTION CARRIED UNANIMOUSLY.**

12

- Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in **case**
- **number 04-13**, the Board extend the 180-day deadline for issuance of the final
- decision, due to the need for additional time to conduct a hearing, prepare a
- proposed decision, and review the proposed decision by the Board. Roll call
- vote: Aboud yes; Carter yes; Seeland yes; Jeffrey yes; Paulsen yes;
- Wellborn yes; Westerhaus yes; Chen yes; and Hathaway yes. **MOTION**
- 19 CARRIED UNANIMOUSLY.

20

- 21 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
- number 04-14, the Board extend the 180-day deadline for issuance of the final
- decision, due to the need for additional time to conduct a hearing, prepare a
- 24 proposed decision, and review the proposed decision by the Board. Roll call
- vote: Chen yes; Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey –
- yes; Seeland yes; Carter yes; Aboud yes; and Hathaway yes. **MOTION**
- 27 **CARRIED UNANIMOUSLY.**

28

- Jean Seeland moved, with a second by John Aboud, to approve the November 5,
- 30 2004, minutes, as distributed. MOTION CARRIED UNANIMOUSLY.

- 32 John Aboud moved, with a second by Brian Carter, to adopt and file the
- proposed changes to the renewal of licenses in Chapter 17, which would align

- the rules with teacher quality legislation; eliminate references to community
- 2 college renewal programs that are no longer necessary; and reflect acceptance
- 3 for renewal college credits from a regionally accredited institution. Roll call
- 4 vote: Chen yes; Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey –
- 5 yes; Seeland yes; Carter yes; Aboud yes; and Hathaway yes. MOTION
- 6 **CARRIED UNANIMOUSLY.**

- 8 John Aboud moved, with a second by Ying Ying Chen, to file under Notice of
- 9 Intended Action, the proposed changes to the teacher intern rules that would
- allow for more innovation and flexibility, while still ensuring the integrity of the
- program standards, but with changes in the statement of authorization, i.e.,
- deleting "a high school" and adding the ineligibility of the license holder to teach
- at the 5-6 grade levels, and substitution of "the following requirements" for "the
- 14 teacher intern program" under program requirements. Roll call vote: Chen -
- yes; Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland -
- yes; Carter yes; Aboud yes; and Hathaway yes. **MOTION CARRIED**
- 17 UNANIMOUSLY.

18

- Jean Seeland moved, with a second by Anita Westerhaus, that **in PFW 04-19**,
- 20 Modestus Okere, the Board deny the Petition for Waiver. Roll call vote: Chen -
- yes; Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland –
- yes; Carter yes; Aboud yes; and Hathaway yes. **MOTION CARRIED**
- 23 UNANIMOUSLY.

- John Aboud moved, with a second by Brian Carter, that **in PFW 04-20**, Lana
- 26 Gage, the Board grant the Petition for Waiver. Roll call vote: Chen yes;
- 27 Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland yes;
- 28 Carter yes; Aboud yes; and Hathaway yes. MOTION CARRIED
- 29 UNANIMOUSLY.

1	STATE OF IOWA
2	BOARD OF EDUCATIONAL EXAMINERS
3	Grimes State Office Building - 400 East 14th Street
4	Des Moines, Iowa 50319-0147
5	
6	Minutes
7	December 10, 2004
8	
9	The Board of Educational Examiners held its monthly meeting on December 10,
10	2004. Board Chair Peter Hathaway called the meeting to order at 8:31 a.m.
11	Members attending were John Aboud, Brian Carter, Ying Ying Chen, Peter
12	Hathaway, Judy Jeffrey, Thomas Paulsen, Jean Seeland, Jacqueline Wellborn
13	and Anita Westerhaus. Also in attendance were Susan Fischer, Interim
14	Executive Director of the Board; Christie Scase and Jeanie Vaudt, Assistant
15	Attorneys General and legal counsel to the Board; Barbara Hendrickson, Board
16	Secretary; and other visitors. William Haigh and Greg Robinson were unable to
17	attend the meeting. Ms. Scase and Ms. Vaudt left at 11 a.m., and Mr. Paulsen
18	left at 1:02 p.m.
19	
20	Anita Westerhaus moved, with a second by Jacqueline Wellborn, that the Board
21	go into closed session for the purposes of discussing whether to initiate licensee
22	disciplinary proceedings and discussing the decision to be rendered in a
23	contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).
24	MOTION CARRIED UNANIMOUSLY.
25	
26	The Board reconvened into open session at 8:50 a.m.
27	
28	Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in $\underline{\mathbf{case}}$
29	number 04-20, the Board accept the Respondent's waiver of hearing and
30	voluntary surrender and that the Board issue an order permanently revoking
31	the Respondent's license with no possibility of reinstatement. Roll call vote:
32	Aboud - yes; Carter - yes; Seeland - yes; Jeffrey - yes; Paulsen - yes;

- Wellborn yes; Westerhaus yes; Chen yes; and Hathaway yes. MOTION
- 2 **CARRIED UNANIMOUSLY.**

4 The Board recessed from 8:53 a.m. to 9:10 a.m.

5

- 6 Regarding <u>case number 04-26</u>, Jacqueline Wellborn stated that the
- 7 Respondent was the person whose license surrender was accepted in case
- 8 number 04-20, so no further action was needed.

9

- Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
- number 04-18, the Board find that the evidence gathered in the investigation,
- including witness statements and the documentary evidence, does not
- corroborate the allegations in the complaint, and that the Board, therefore,
- lacks probable cause to proceed with this matter. Roll call vote: Chen yes;
- Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland recuse;
- 16 Carter yes; Aboud yes; and Hathaway yes. **MOTION CARRIED.**

17

- Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in **case**
- 19 **number 04-23**, the Board find probable cause to establish a violation of the
- 20 following provisions of the Code of Professional Conduct and Ethics: 282 IAC
- 25.3(1)(b), (c), (d) and (e) and order this case set for hearing. Roll call vote:
- 22 Aboud yes; Carter yes; Seeland yes; Jeffrey yes; Paulsen yes; Wellborn -
- yes; Westerhaus yes; Chen yes; and Hathaway yes. **MOTION CARRIED**
- 24 UNANIMOUSLY.

- 26 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
- 27 **number 04-12**, the Board extend the 180-day deadline for issuance of the final
- decision, due to the need for additional time to complete settlement negotiations
- 29 to resolve the case without a hearing. Roll call vote: Chen yes; Westerhaus -
- yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland yes; Carter yes;
- 31 Aboud yes; and Hathaway yes. **MOTION CARRIED UNANIMOUSLY.**

- Jacqueline Wellborn moved, with a second by Anita Westerhaus, that in **case**
- 2 **number 04-13**, the Board extend the 180-day deadline for issuance of the final
- 3 decision, due to the need for additional time to conduct a hearing, prepare a
- 4 proposed decision, and review the proposed decision by the Board. Roll call
- 5 vote: Aboud yes; Carter yes; Seeland yes; Jeffrey yes; Paulsen yes;
- 6 Wellborn yes; Westerhaus yes; Chen yes; and Hathaway yes. **MOTION**
- 7 CARRIED UNANIMOUSLY.

- 9 Anita Westerhaus moved, with a second by Jacqueline Wellborn, that in **case**
- number 04-14, the Board extend the 180-day deadline for issuance of the final
- decision, due to the need for additional time to conduct a hearing, prepare a
- proposed decision, and review the proposed decision by the Board. Roll call
- vote: Chen yes; Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey –
- yes; Seeland yes; Carter yes; Aboud yes; and Hathaway yes. **MOTION**
- 15 **CARRIED UNANIMOUSLY.**

16

- 17 Board Member John Aboud stated for the record that the Board reviewed cases
- 18 #04-13, 04-20, 04-23 and 04-26 in a timeframe that was less than 90 days.
- 19 That is an even shorter time period than the 120 days the Board is requesting
- in a pre-filed bill for this legislative session. That bill requests a statutory
- change from resolution of complaints within 180 days, which includes steps in
- 22 the process over which the Board has no control, to Board determination of
- 23 probable cause within 120 days, over which steps in the process the Board does
- 24 have control.

25

- Jean Seeland moved, with a second by John Aboud, to approve the November 5,
- 27 2004, minutes, as distributed. MOTION CARRIED UNANIMOUSLY.

- 29 Board members covered a number of issues at the time of Board Reports.
- 30 Jacqueline Wellborn stated that she had represented the Board the previous
- week at a meeting of the Department of Education (DE) and other state
- 32 stakeholders on a teacher quality enhancement grant proposal that Interim
- 33 Executive Director Susan Fischer has also worked on. The grant proposal,

valued at possibly \$3 million to \$5 million, looks mainly at middle school

2 educators and at what can be done to improve new teacher programs, including

ESL, diverse learners and disposition of teachers. Ms. Fischer added that those

4 working on the grant had invited stakeholders to come to the meeting to hear

5 the group's proposal and to offer input. The proposal deals with the content

area endorsements and money for the teacher intern programs. Board

7 members then mentioned a number of things that stress new teachers as they

8 adjust. Judy Jeffrey told the Board that of the \$1300 that the state provides a

9 school district for each new teacher under the mentoring and induction

program, \$300 is available for the district to use for additional support of each

new teacher. She also said that the grant project was an example of the

collaboration necessary between the DE and the Board of Educational

13 Examiners (BoEE), and that this collaborative venture includes the community

14 colleges and teacher preparation institutions, as well. Group representatives

15 have looked at the data about where student achievement needs are—in middle

school reading, science and math—and then tried to construct the grant in a

way that will meet those needs. Ms. Wellborn expressed the hope that the pilot

programs will involve middle school educators so that they may share their

insight about what they would like to see in those coming out of the teacher

preparation programs. The Board encouraged Ms. Fischer in her plan to write,

on its behalf, a letter of support for the grant proposal.

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Jean Seeland asked Ms. Fischer to thank the Board staff for always being so

24 helpful when she calls with questions on her own or others' behalf. Ms.

25 Wellborn echoed that appreciation.

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Judy Jeffrey had a number of items that she thought would be of interest to the

Board, particularly since several would require increased partnership between

29 the DE and the BoEE.

1) Thirty-seven teachers recently became nationally certified, a lower pass rate than in the past, which may be due to budget cuts to the University of Northern Iowa (UNI) support program. The total number in Iowa now possessing national board certification stands at 461. Current

registration for the process stands at 42. The DE and the Governor's office are working closely to try to reinstate funding for the support program, and that will be part of the legislative request this year.

- 2) The DE is preparing for the January 12-14 visit of federal government representatives regarding Title II, Part A of the No Child Left Behind legislation, which section covers highly qualified teachers. This is another crossover collaborative opportunity between the DE and the BoEE. Results will indicate how the DE managed to work through some of the issues that will probably be raised on the question of teacher testing. State officials hope to assure the federal representatives that Iowa teachers are highly qualified through measures other than a single test on a single day. An exit report should give some indication of what the findings will be.
 - 3) The DE and the BoEE will also need to work closely on implications for special education teachers resulting from reauthorization of the Individuals with Disabilities Education Act (IDEA) to assure compliance with the law.
 - 4) Governor Vilsack's number one priority is education, and he is committed to increased funding for the teacher quality legislation. A recommendation came from the Leadership Partnership for a legislative proposal to establish a leadership standards program for administrators that resembles the teacher quality standards.
 - 5) Registration had to be closed following sign-up of over 1300 registrants for a high school summit the following week. This reflected the great interest across the state in high school reform. The DE, the State Board of Education and the Governor's office are promoting more rigorous and relevant curriculum, which may impact licensure requirements in content areas.
- Board Chair Peter Hathaway said that these joint ventures would probably necessitate greater use of subcommittees, given board member constraints.
- Ms. Jeffrey next responded to questions Brian Carter had with respect to the impact of the reauthorization of IDEA. She said states will need to obtain from

1 the U.S. Department of Education as much flexibility as possible to attain 2 reasonable accommodations for states to get their special education teachers certified. Guidance for Iowa school districts will ultimately be forthcoming from 3 the DE. 4 5 John Aboud recounted that he and Ms. Seeland had opportunity in November 6 7 to meet with several prospective teachers at an ISEA conference in Des Moines, at which the two presented a session on ethics. Mr. Aboud said that he is one 8 9 of the 42 teachers currently registered for national board certification. It is very 10 challenging for those doing it on their own without the support formerly provided through the UNI program, particularly with some recent changes in 11 the process. 12 13 14 On behalf of the Board, Anita Westerhaus thanked Ms. Fischer for her service as Interim Executive Director and presented her with a token of their 15 appreciation. Ms. Fischer expressed her own gratitude to the board members 16 for their support and encouragement during the time of transition. 17 18 19 Ms. Westerhaus then reported on the work of a Board ethics subcommittee on 20 which she served with Mr. Aboud, Ms. Seeland and Ying Ying Chen. She referred to a brochure they developed that contained the text of ethics Chapters 21 25 and 26 of administrative rules. Reference was made to distribution of the 22 23 brochure to those renewing their licenses, as well as to lawmakers at the legislative reception prior to the January board meeting. The Board also 24 25 considered an additional brochure that would detail the complaint process and include actual examples of violations of the standards and their attendant 26 27 sanctions. Mr. Aboud added that the brochures would aid in the Board's desired public awareness of the distinctiveness of its role and responsibilities. 28 29

Board Chair Peter Hathaway asked if there were any public comments. There

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were none.

- 1 Interim Executive Director Susan Fischer reported briefly on a number of
- 2 issues, to which some of the board members had already made reference:
- 1) At board members' places were copies of *The Annual Condition of Education Report* and the "2003-04 Iowa Public School Profile."
 - 2) Most of the month Ms. Fischer spent on the teacher quality enhancement grant, and she will write the letter of support mentioned above.
 - 3) She and Licensure Consultant Jane Heinsen discussed the reauthorized IDEA.
 - 4) Details are being worked out for the legislative reception on January 26, 2005.
 - 5) Incoming Executive Director Dr. George Maurer is aware of the legislative reception in January and the Board dinner afterwards.
 - 6) Ms. Fischer once again thanked the Board for the opportunity to serve as Interim Executive Director.

16 The Board next reviewed proposed changes to administrative rules. John

- 17 Aboud moved, with a second by Brian Carter, to adopt and file the proposed
- changes to the renewal of licenses in Chapter 17, which would align the rules
- with teacher quality legislation; eliminate references to community college
- 20 renewal programs that are no longer necessary; and reflect acceptance for
- 21 renewal college credits from a regionally accredited institution. Roll call vote:
- 22 Chen yes; Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey yes;
- 23 Seeland yes; Carter yes; Aboud yes; and Hathaway yes. **MOTION**
- 24 CARRIED UNANIMOUSLY.

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- 26 In a first reading at the November board meeting, based on input from several
- 27 colleges and universities interested in providing the teacher intern program, the
- 28 Board considered revisions to the associated Board rules. John Aboud moved
- 29 and Ying Ying Chen seconded a motion to file the rules under Notice.
- 30 Discussion engendered a few changes, and the parties amended the motion.
- John Aboud moved, with a second by Ying Ying Chen, to file under Notice of
- 32 Intended Action, the proposed changes to the teacher intern rules that would
- 33 allow for more innovation and flexibility, while still ensuring the integrity of the

- program standards, but with changes in the statement of authorization, i.e.,
- deleting "a high school" and adding the ineligibility of the license holder to teach
- at the 5-6 grade levels, and substitution of "the following requirements" for "the
- 4 teacher intern program" under program requirements. Roll call vote: Chen -
- 5 yes; Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland –
- 6 yes; Carter yes; Aboud yes; and Hathaway yes. MOTION CARRIED
- 7 UNANIMOUSLY.

- 9 Dr. Henry Pitman, Dean of the School of Education and Social Sciences of The
- 10 Franciscan University, which is currently the only institution with an approved
- curriculum for the teacher intern program, was present and available to answer
- specific questions and hear Board discussion. He was not involved in the
- development of the program, but he is involved in its implementation. He said
- there are substantive issues in implementation in order to assure both rigor
- and quality, and he described several of those challenges. Board Chair Peter
- 16 Hathaway invited feedback on the existing process so that the Board may assist
- the institutions as they seek to put in place an effective program of study.

18

19 The Board recessed from 10:31 a.m. to 10:45 a.m.

20

- 21 The presentation on the family and consumer science endorsement was
- deferred to a future board meeting due to the unavailability of the presenter.

- 24 Modestus Okere filed a petition requesting waiver of two course requirements for
- 25 the issuance of full licensure in Iowa. He holds an Iowa substitute teaching
- license, which authorized him to serve as a substitute teacher. Mr. Okere
- indicated that he needs to obtain a standard license by the end of the semester,
- or he will lose his job in Texas. Mr. Okere was informed of the coursework
- 29 necessary for full licensure in 1990; the Board believed that sufficient time had
- 30 elapsed for completion of the coursework. Jean Seeland moved, with a second by
- Anita Westerhaus, that **in PFW 04-19**, Modestus Okere, the Board deny the
- Petition for Waiver. Roll call vote: Chen yes; Westerhaus yes; Wellborn yes;

- Paulsen yes; Jeffrey yes; Seeland yes; Carter yes; Aboud yes; and
- 2 Hathaway yes. MOTION CARRIED UNANIMOUSLY.

- 4 Lana Gage asked the Board to waive the requirement for a Class E license,
- 5 which stipulates that the license will be denied if the applicant has not
- 6 completed any coursework during the term of the Class C license. She holds an
- 7 Iowa standard teaching license with endorsements for the general classroom,
- 8 elementary English and elementary reading. She also holds a Class C (two-year
- 9 conditional) special education license for secondary multi-categorical resource.
- 10 Ms. Gage had not completed any of the coursework required for full licensure in
- special education. She submitted medical documentation that extenuating
- circumstances kept her from completing her endorsement requirements. Ms.
- Gage has registered for coursework to begin in January, and her program of
- study indicates she will complete the requirements in April 2006.
- John Aboud moved, with a second by Brian Carter, that in PFW 04-20, Lana
- Gage, the Board grant the Petition for Waiver. Roll call vote: Chen yes;
- 17 Westerhaus yes; Wellborn yes; Paulsen yes; Jeffrey yes; Seeland yes;
- 18 Carter yes; Aboud yes; and Hathaway yes. MOTION CARRIED
- 19 UNANIMOUSLY.

20

- 21 The latter Petition for Waiver was the first one filed under new rules for a
- 22 Class E license. The Board agreed that in the future, the staff licensure review
- 23 committee may make a decision on extenuating circumstances with regard to
- issuance of a Class E license, with an appeal of said decision, if any, to come
- 25 before the Board as a Petition for Waiver. Lack of licensure review committee
- 26 consensus on a request for a Class E license would also be grounds to petition
- 27 the Board.

- 29 The Board turned its attention to the agenda item "Visioning for the Future."
- 30 The board packet contained material on goals and priorities set previously by
- the Board; goals accomplished; and statements of mission, guiding principles
- and vision. Board members first generated ideas on dissemination of
- information on ethics via the brochure mentioned above and other means.

- 1 Staff in the Board office will obtain a cost estimate for printing the brochure.
- 2 The Board then turned its attention to the sheet on its mission, guiding
- 3 principles and vision and fine-tuned the language.

5 The Board recessed for lunch at 11:43 a.m. and reconvened at 12:36 p.m.

6

- 7 The Board continued its discussion and edit of the text documenting its
- 8 mission, guiding principles and vision. The Board hoped to have the document
- 9 finalized in time for the legislative reception in January.

10

- 11 The Board then looked at potential discussion points with legislators at the
- 12 January reception. The Board would like a summary sheet of topics on which
- they will be prepared to speak with legislators. Board Member Judy Jeffrey
- recommended that the following information be available: who the Board is;
- what the Board does; what its accomplishments are (e.g., electronic files, ethics,
- birthday bill, exchange licenses, teacher intern program, etc.); topics for
- advocacy; and the legislative issue (i.e., 120-day probable cause pre-filed bill).
- 18 Board members plan to meet for a briefing before the reception, which will be
- held in Room 116 of the Capitol from 4 p.m. to 6 p.m. Legislators invited will
- 20 be members of the House and Senate Education Subcommittees and the House
- 21 and Senate leadership.

22

- 23 The Board discussed various readiness dates for availability and distribution of
- 24 the ethics brochure. Board Member John Aboud articulated a goal of getting
- 25 the information out to constituents over the 2005-2006 school year, and the
- 26 Board agreed.

27

- 28 The Board decided to defer further discussion of Board priorities until incoming
- 29 Executive Director Dr. George Maurer arrives.

- 31 There being no further business, Board Chair Peter Hathaway adjourned the
- 32 meeting at 1:26 p.m.